

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ELLIOTT GUNTARP, BY AND THROUGH HIS
BROTHER, KENT GUNTARP
VS.
ITAWAMBA COUNTY SHERIFF'S DEPARTMENT
AND ITAWAMBA COUNTY, MISSISSIPPI

PLAINTIFF
NO. 1:05CV177-D-A
DEFENDANTS

DEPOSITION OF JUDY GUNTARP

TAKEN AT THE INSTANCE OF THE DEFENDANTS
IN THE LAW OFFICES OF WAIDE & ASSOCIATES
332 N. SPRING STREET, TUPELO, MISSISSIPPI
ON FEBRUARY 15, 2006, BEGINNING AT 3:00 P.M.

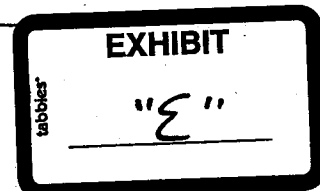
APPEARANCES NOTED HEREIN

Reported by: KATHRYN H. BOYER, CSR #1349

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1 Elliott wanting a gun?

2 A. I do not recall that.

3 Q. Did she mention anything to you about him having a
4 bat or an ax handle or something like that that he had in the
5 house?

6 A. When she called me on the phone, I believe she said
7 -- described it as a bat.

8 Q. Okay. So she talked to you about that; that he had
9 a bat or something.

10 A. Correct.

11 Q. Did Ms. Phyllis ever indicate to you that Elliott
12 had hit her in any way?

13 A. No.

14 Q. All right. Now, we're there and I believe this was
15 a Thursday afternoon. This was April 1st, we know that, and
16 I think that's a Thursday afternoon. How late in the day do
17 you recall being there at the house?

18 A. I don't recall. I don't remember.

19 Q. Did you guys go down to the jail with Elliott?

20 A. No, we did not.

21 Q. What did you do after Elliott was taken away?

22 A. I believe that we carried his mother to eat.

23 Q. Did his mother -- did Ms. Phyllis take anything
24 down to the jail that night?

25 A. Not that I am aware of.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ELLIOTT GUNTARP, by and through
his brother, Kent Guntharp PLAINTIFF

VS. CIVIL ACTION NO. 1:05CV177-D-D

ITAWAMBA COUNTY SHERIFF'S
DEPARTMENT and ITAWAMBA
COUNTY, MISSISSIPPI, SHERIFF
PHILLIP CRANE, in his individual
capacity, Jail Administrator
KENNETH KNIGHT, in his individual
capacity, and PATRICK GRAHAM DEFENDANTS

DEPOSITION OF MICHAEL WAYNE GEORGE

TAKEN AT THE INSTANCE OF THE PLAINTIFF IN THE
MISSISSIPPI STATE PENITENTIARY, PARCHMAN, MISSISSIPPI
ON MAY 25, 2006, BEGINNING AT 11:00 A.M.

APPEARANCES NOTED HEREIN

Reported by: LIBBY A. FURR, CSR 1724

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1 there.

2 Q. Today we have talked about a stun baton,
3 and I think Mr. Woodruff has called it a shock baton a
4 couple of times, and he showed you the picture of the
5 shock baton.

6 A. Yes.

7 Q. And you identified that as the object that
8 Kenneth Knight had in his hand.

9 A. Yeah.

10 Q. When Kenneth Knight interviewed you
11 earlier, there was a lot of phrases for the baton.
12 Sometimes it was called stun baton, sometime shock
13 baton and sometimes stun gun. Were you always talking
14 about the thing you identified today.

15 A. Yeah. But I've never seen him use it or
16 hit nobody with it or shock nobody, that I seen, with
17 it. He was just trying to get him to back up to the
18 bars where he could put handcuffs on him where he
19 could take him to medical care.

20 Q. Did you see any kind of electric charge
21 come out of that baton?

22 A. No, sir. I'm the one that put the
23 handcuffs on Mr. Guntharp myself. I talked him into
24 it. I said, "Kenneth, I can talk him into it. If
25 you'll stand over there and let me talk him into it, I

1 Q. And tell me where he put it through the
2 bars. Where is the tray hole?

3 A. Right there (indicating).

4 Q. And so we can get this on the record,
5 that's the horizontal space in between the bars?

6 A. Yes, where you was fed through.

7 Q. And when Kenneth Knight did this, where was
8 Elliot in the cell?

9 A. Elliott was standing at the back wall.

10 Q. The back wall?

11 A. Yeah, and he was kicking at the bar.

12 Q. So how far away was he from the baton at
13 that time? Would you --

14 A. The length of the cell or so, ever how long
15 the cell is. He wasn't nowhere up on the baton.

16 Q. You never saw him make contact with the
17 baton?

18 A. No. I've seen him kick at it a few times,
19 but you know, he was kicking at the bar. He was just
20 kind of -- I don't know.

21 Q. Did you ever see Elliott do anything that
22 would indicate he was hit by it?

23 A. No. He never went down or nothing like
24 that, no. Never reacted like he was hit by it.

25 Q. We've had a lot of testimony in this case,

1 Mr. George about people saying that at times Elliott
2 would be quiet and other times he would be --

3 A. He would just snap like he was in Vietnam
4 or something.

5 Q. Tell me about that. What would he do when
6 he snapped?

7 A. Sometimes he'd sit around in there, and
8 he'd read the bible and be just as nice as me and you
9 talking. Next time he'd just go crazy, just seems
10 like, kicking the wall, cussing, carrying on, just
11 raising all kind of cane for no reason. There wasn't
12 nobody in there with him. He just snapped, I'll say.
13 I don't know what his problem was.

14 Q. When he would snap, what was he talking
15 about?

16 A. Off the wall crazy stuff. I don't know. I
17 just -- talking out of his head.

18 Q. Was it anything that was going on in the
19 jail that he was talking about, or was it stuff that
20 --

21 A. Really, I didn't pay no -- he was just
22 kicking the walls and stuff. I don't know. He was
23 talking about all kind of stuff. Didn't pay no
24 attention, really. He just sang sometimes and -- I
25 don't know.

IN THE UNITED STATES DISTRICT COURT
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ELLIOTT GUNTARP, BY AND THROUGH HIS
BROTHER, KENT GUNTARP
VS.
ITAWAMBA COUNTY SHERIFF'S DEPARTMENT
AND ITAWAMBA COUNTY, MISSISSIPPI

PLAINTIFF
NO. 1:05CV177-D-A
DEFENDANTS

DEPOSITION OF PATRICK GRAHAM

TAKEN AT THE INSTANCE OF THE PLAINTIFF
IN THE LAW OFFICES OF BO RUSSELL
212 WEST MAIN STREET, FULTON, MISSISSIPPI
ON FEBRUARY 16, 2006, BEGINNING AT 4:30 P.M.

APPEARANCES NOTED HEREIN

Reported by: KATHRYN H. BOYER, CSR #1349

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EXHIBIT

"6"

1 other inmates and all that for their safety.

2 Q. Uh-huh (indicating yes).

3 A. And I'm trying to recall. It's -- but it deals
4 with their safety and that they're -- you know, they're not
5 just another inmate that has committed a crime. There's
6 different specifications of how you deal with those folks
7 versus other inmates, to keep a check on them, you know, to
8 make sure they're not injuring theirselves and other --

9 Q. All right. April 2nd there was an incident where
10 Elliott had to be taken to the Region III Mental Health
11 facility to be examined. Do you recall that?

12 A. Yes, sir, I do.

13 Q. What do you recall first thing that day relevant to
14 Elliott Guntharp in trying to get him transported to the
15 Region III Mental Health facility?

16 A. There was, you know, a date and a time for his
17 appointment and they told me, you know, need to have him
18 ready or --

19 Q. Who's they?

20 A. The dispatcher had it --

21 (Mr. Huskison present)

22 A. -- in their office with the paperwork on it and
23 told me the time and all and that there would be an officer
24 up there to transport him.

25 Q. Okay.

1 A. And a little bit prior to that time, you know, so
2 we could have him there on time I went back in the holding
3 pod and told Mr. Guntharp, you know, if you would, get ready,
4 you're fixing to go see the doctor.

5 Q. Okay. And what happened?

6 A. At that point, he jumped back toward the back of
7 the cell in a karate stance. He began yelling at me, I ain't
8 going nowhere. If you come in, I'm going to kick your ass.
9 And he threw his leg up in a kick position and said, if you
10 come in here, I'm going to kick your mother fucking head off.

11 Q. That's what he told you.

12 A. Yes.

13 Q. What did you tell him?

14 A. I said, sir, that's fine. I don't want anybody to
15 get hurt here. I left the holding pod at that time --

16 Q. It's fine for him to kick your mother fucking head
17 off or it's fine that you don't want a hassle?

18 A. I don't feel the need to argue with somebody in
19 that state of mind because he may or may not know what he's
20 saying.

21 Q. Have you had any special -- do you know what
22 illness Elliott was suffering from?

23 A. Not particularly, no, sir. All I knew is that he
24 had a -- you know, a mental illness and that he was going to
25 be evaluated for it.

1 Q. Did anybody tell you what his mental illness was?

2 A. No, sir.

3 Q. Do you know what bipolar is?

4 A. I've heard the term.

5 Q. Do you know what kind of behavior bipolar people
6 can exhibit?

7 A. Very erratic behavior, being calm one minute,
8 yelling, screaming the next, very agitated.

9 Q. What is your source of that information?

10 A. We had a very broad overview in EMT school that I
11 went through.

12 Q. So you didn't get that at the Itawamba County Jail.

13 A. No, sir.

14 Q. And, obviously, you had this after you worked as a
15 jailer at Itawamba County Jail.

16 A. Have what?

17 Q. The training on bipolar people.

18 A. No, sir. I took EMT school in '01.

19 Q. '01. So what happened next? He threatened to kick
20 your MF head off. What did you do?

21 A. I left and I went and I told the dispatcher, I
22 said, if you don't care, you know, would you get me an
23 officer up here because I don't want any of us to get hurt.
24 I also went and told Kenneth Knight.

25 Q. And what did Kenneth Knight say?

1 A. Correct.

2 Q. Holding it in his right hand?

3 A. To the best of my knowledge.

4 Q. Okay. And he wasn't holding it like this
5 (indicating up).

6 A. Not that I recall.

7 Q. Pointing it up?

8 A. Not that I recall.

9 Q. He wasn't holding it with two hands.

10 A. Not that I recall.

11 Q. He was holding it with one hand down by his waist.

12 A. As far as I can recall.

13 Q. Did he ever hit the button or turn it on?

14 A. I can't remember. I know that --

15 MR. LATIMER: You can sit down.

16 A. Not that I can -- I don't remember if he did or
17 didn't.

18 Q. (Mr. Woodruff) You don't recall if he ever turned
19 it on?

20 A. I don't recall.

21 Q. Elliott has testified under oath that he was hit by
22 the shock baton. That's a question.

23 A. What are you asking me?

24 Q. Is that true or not?

25 A. No, sir. It's not.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
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ELLIOTT GUNTARP, BY AND THROUGH HIS
BROTHER, KENT GUNTARP

PLAINTIFF

VS.

NO. 1:05CV177-D-A

ITAWAMBA COUNTY SHERIFF'S DEPARTMENT
AND ITAWAMBA COUNTY, MISSISSIPPI

DEFENDANTS

DEPOSITION OF KENNETH KNIGHT

TAKEN AT THE INSTANCE OF THE PLAINTIFF
IN THE LAW OFFICES OF BO RUSSELL
212 WEST MAIN STREET, FULTON, MISSISSIPPI
ON FEBRUARY 16, 2006, BEGINNING AT 1:30 P.M.

APPEARANCES NOTED HEREIN

Reported by: KATHRYN H. BOYER, CSR #1349

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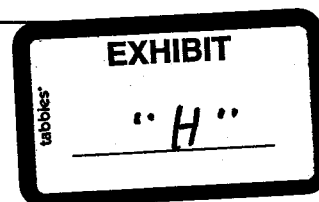
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1 Q. Okay. Is that the day when you took him to the
2 mental health place?

3 A. I believe that's correct.

4 Q. All right. Well, tell me everything that happened
5 relevant to Mr. Elliott being transported to the Region III
6 April 2nd, Friday.

7 A. Best of my knowledge, I can't -- I'm not swearing
8 to this. Okay. It's just the best of --

9 Q. All right.

10 A. But Mr. Graham had went back to approach
11 Mr. Guntharp about transportation to the hospital and he
12 rejected, said he was not going. This is the word that --
13 not direct words, but this is something I got that
14 Mr. Guntharp refused to go.

15 Q. Okay.

16 A. And he called my attention to assist.

17 Q. Uh-huh (indicating yes).

18 A. And I went back and Elliott was standing in a judo
19 stance on his -- I believe it was on his left leg with his
20 right leg stuck out and he said something to me like -- I
21 don't remember the exact words, but I'm not going to no some
22 type of facility, he had a word for it, and I'll kick your
23 F-ing head off if you open this door.

24 Q. Okay. What happened next?

25 A. I returned and went up to my office and got a stun

1 baton and asked Mr. Patrick to assist me back to the cell and
2 I explained to Mr. Guntharp that we had a court order to
3 carry him to the -- had an appointment; that he had to go to
4 the doctor at this particular time and we would have to get
5 him out and carry him for treatment.

6 Q. Okay.

7 A. Or evaluation.

8 Q. And you explained that to him very calmly?

9 A. Yes, sir, sure did.

10 Q. You weren't yelling and cussing and --

11 A. No, sir. I don't cuss.

12 Q. You don't cuss at all?

13 A. No, sir. I sure don't.

14 Q. What happened next?

15 A. As we -- I believe I told Mr. Graham to open the
16 door; that we had to get him out; that he had to go and a
17 gentleman beside of him called me over to the side and he
18 said, Mr. Knight, he said, me and Mr. Graham -- me and
19 Mr. Guntharp, he's a good friend of mine, he says, I've never
20 had any problem with him. He said, if I ask him to let me
21 put the handcuffs on him and he does, will that be okay? I
22 said, sure, to keep from having an altercation with him or
23 taking the chance of someone getting hurt. And so, we tried
24 that procedure and it worked and everything was, I think,
25 very well-handled. There was no problem from then on.

1 MR. WOODRUFF: Don't tell me how to phrase my
2 question.

3 Q. (Mr. Woodruff) You were going to answer the
4 question. Please answer it.

5 A. I was about to ask you when you referred to hit --

6 Q. Okay.

7 A. -- what does that relate to?

8 Q. I'm sorry?

9 A. Hit, are you striking or shock him?

10 Q. I believe Mr. Guntharp's testimony yesterday was
11 that you were sticking it through and trying to hit him with
12 it and you hit him on his hand.

13 A. That is false. I did not.

14 Q. You didn't do that.

15 A. I never touched Mr. Guntharp even -- with
16 electricity or with the stun gun.

17 Q. Okay. And do you have any explanation how he got
18 this scar on his right hand?

19 A. I do not. I didn't put it there.

20 Q. Do you think he just imagined it; that you hit him?

21 A. I don't know what his explanation for it is. I
22 didn't put it there. As far as I know, I never seen it while
23 he was there in jail. It never was reported to me.

24 Q. Uh-huh. It was never reported to you.

25 A. No, sir.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ELLIOTT GUNTARP, by and through
his brother, Kent Guntharp PLAINTIFF

VS. CIVIL ACTION NO. 1:05CV177-D-D

ITAWAMBA COUNTY SHERIFF'S
DEPARTMENT and ITAWAMBA
COUNTY, MISSISSIPPI, SHERIFF
PHILLIP CRANE, in his individual
capacity, Jail Administrator
KENNETH KNIGHT, in his individual
capacity, and PATRICK GRAHAM DEFENDANTS

DEPOSITION OF JOEY WAYNE MILLER

TAKEN AT THE INSTANCE OF THE PLAINTIFF IN THE
MISSISSIPPI STATE PENITENTIARY, PARCHMAN, MISSISSIPPI
ON MAY 25, 2006, BEGINNING AT 10:37 A.M.

APPEARANCES NOTED HEREIN

Reported by: LIBBY A. FURR, CSR 1724

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EXHIBIT

"I"

1 individually. I just have a couple of follow-up
2 questions for you. We may cover some of the same
3 ground that we did with Mr. Woodruff, so just bear
4 with me. I may ask you some of the same questions.
5 I'll try not to repeat ourselves too much.

6 Did you see Kenneth Knight hit Elliott
7 Guntharp with that stun baton?

8 A. No.

9 Q. Did you see the electric arc that comes out
10 of that stun baton make contact with Elliott Guntharp?

11 A. No.

12 Q. Did you see Elliott Guntharp ever fall down
13 in his cell during that whole exchange with the stun
14 baton?

15 A. No.

16 Q. Did you see Elliott Guntharp do anything
17 that led you to believe that he had been hit by the
18 stun baton?

19 A. No.

20 Q. And I think you've covered this with Mr.
21 Woodruff, but I just want to make sure I understand
22 you. Have you seen any other inmate throw urine on
23 Elliott Guntharp?

24 A. No.

25 Q. Did you throw urine on Elliott Guntharp?